

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS  
OF THE STATE OF MONTANA

In the matter of the repeal of ARM	)	NOTICE OF PROPOSED
12.3.202 and ARM 12.3.208	)	REPEAL
pertaining to Classes of License	)	
Agents and Acceptable License	)	NO PUBLIC HEARING
Agent Security	)	CONTEMPLATED

TO: All Concerned Persons

1. On May 11, 2018, the Department of Fish, Wildlife and Parks (department) proposes to repeal the above-stated rules.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than March 30, 2018, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-4594; or e-mail [kgangstad@mt.gov](mailto:kgangstad@mt.gov).

3. The department proposes to repeal the following rules:

12.3.202 CLASSES OF LICENSE AGENTS

AUTH: 87-1-201, 87-2-901, MCA  
IMP: 87-2-901, MCA

REASON: The department uses an Automated License System (ALS), and therefore no longer uses classes of license agents. All vendors also use ALS, rendering this rule outdated and no longer necessary.

12.3.208 ACCEPTABLE LICENSE AGENT SECURITY

AUTH: 87-2-902, MCA  
IMP: 87-2-902, MCA

REASON: The requirement for a bond or security is no longer needed with the transfer of funds from the license agent's bank accounts on a biweekly basis. Under a paper system, the department had exposure with it taking several weeks to months to receive the revenue from license sales and needed a security in the form of bonds, letters of credit, or certificates of deposit. Since this exposure has been mitigated, the department is proposing to remove this security requirement which would cause the cost of security to pass to the agents and no longer require agents to purchase the corporate security bond.

4. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to: Emily Cooper, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; or e-mail Emily.Cooper@mt.gov, and must be received no later than April 13, 2018.

5. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Emily Cooper at the above address no later than April 13, 2018.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 25 persons based on the number of license agents/vendors in the State of Montana which is approximately 325.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the repeal of the above-referenced rules will significantly and directly impact small businesses. The department has determined that removing the requirement to hold a corporate security bond would have a positive impact on small businesses as it could be a significant cost that they would no longer be required to bear.

/s/ Zach Zipfel  
Zach Zipfel  
Rule Reviewer

/s/ Martha Williams  
Martha Williams  
Director  
Department of Fish, Wildlife and Parks

Certified to the Secretary of State March 6, 2018.